REMARKS

Claims 6, 8, 10, 12, 14, 16, 18, 20, 22 and 23 remain pending after the Examiner withdrew the application from appeal and presented a new ground of rejection under Section 102. The Examiner presents a rejection against all of the claims under Section 102 based on the Oka reference (U.S. 2002/0108042).

Applicants find this new rejection perplexing because the appeal was from the now-withdrawn final rejection based on the combination of Dierks in view of Oka. It is not seen how, when the rejection against the independent claims 6 and 18 under Section 103 had to be withdrawn, that one of these references could be applied under Section 102. In fact the appeal brief expressly demonstrated deficiencies in the Oka reference which rendered the rejections under Section 103 error.

Nonetheless, by merely citing different text in Oka, the Examiner has taken license to withdraw the application from appeal and issue a new ground of rejection. It is respectfully submitted that there is no more merit to the new ground of rejection under Section 102 than there was to the rejections under Section 103. Applicants are concerned that the Patent Office is presenting undue delay in allowance of the application on the basis of defective rejections. The Examiner is requested to consider the following argument and withdraw the rejection.

The prior rejection and the present rejection suffer from the same defect. The method of claim 6 requires **performing a certification of the public validation key wherein, when validating,**

"only those signatures generated at a time prior to the certification of the public validation key are recognized as valid."

At page 3, the previous Final Office Action concluded, incorrectly, that the Oka reference provided what is missing from the Dierks reference. Citing Par. [0152} of Oka it was stated that Oka teaches: "that only the signatures generated prior to the certification of the public key are recognized as valid." The appeal brief demonstrated that this was an incorrect and unsupportable conclusion.

The withdrawn rejection also argued (see again page 3 of the Final Office Action) that

"the certificate authority (CA) selects signature modules ... and causes the selected modules to generate signatures based on the respective cryptosystems ... before issuing a public key certificate containing the generated signatures."

However, neither the above statement quoted from the Final Office Action nor any text in the cited paragraph [0152] disclose the above-recited claimed subject matter of claim 6. **At best, this passage only discloses that modules generate signatures before issuing a certificate.** This is **not the same** as **requiring** that *only those signatures generated at a time prior to the certification of the public validation key are recognized as valid.*

Now, regarding the above-quoted language of claim 6, the new and currently pending rejection under Section 102 makes essentially the same incorrect argument as presented in the withdrawn rejection under Section 103. The difference is that the rejection merely cites a different series of passages from the Oka reference, i.e., par 193 - par 203. The newly cited passages (again) only disclose **that modules generate signatures before issuing a certificate.** In this regard, see, also, par [0153] of Oka. With respect to the new citation, note that par [0200] merely states that after signature execution the module transmits a signed certificate.

Applicants are hesitant to second guess how the Examiner might be construing the Oka reference. One possibility is that the cited passages, including par [0200] are being misinterpreted as disclosing that there is a new certification of a public key each time the module issues a signed public key certificate. However, this interpretation is not at all supported by the reference. Issuing a certificate with a signature is not the same as certification of the public validation key.

The above argument applies to claim 18 as well as it applies to claim 6. If the Examiner disagrees then applicants request that the examiner map the language at issue in claims 6 and 18 with specific sentences or phrases of Oka so that applicants will be able to more specifically identify any errors and refute the rejection.
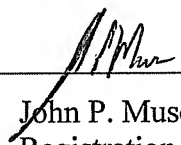
Conclusion

Based on the foregoing, applicants again contend that the refusal to allow the application, after withdrawing the application from appeal, is dilatory. It significantly delays issuance of applicants' patent without justification. The Examiner has not carried the burden of clearly showing each claimed feature in the prior art and the Oka reference does not have requisite disclosure for doing so.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: _____*12/13/08*_____   By: _____*[signature]*_____

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